

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GREGG PELLETIER,
Plaintiff,

Case No. 2:23-cv-01915-GMN-EJY

v.

ORDER

CHRISTOPHER PELLETIER, JAMES
MASSETT SR., JEFFARY TOYE,
MICHAEL NEWMAN, ROBERT
MURPHY,
Defendants.

On November 20, 2023, Plaintiff, an inmate in the custody of High Desert State Prison, submitted a Civil Rights Complaint under 42 U.S.C. § 1983 (ECF No. 1-1). Plaintiff neither paid the \$402 filing fee for a civil action nor filed an application to proceed *in forma pauperis*. If Plaintiff wants to proceed without paying the filing fee he may do so by under 28 U.S.C. § 1915(a) and Local Rule LSR 1-2. To apply for *in forma pauperis* status Plaintiff must submit **three** required documents to the Court. These include: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court's approved form (*i.e.* pages 1 through 3 with the inmate's two signatures on page 3), (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (*i.e.* page 4 of this Court's approved form), and (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**.

Accordingly, IT IS HEREBY ORDERED that on or before **January 22, 2024**, Plaintiff must either pay the \$402 filing fee for a civil action or file: (1) a complete **Application to Proceed in Forma Pauperis for Inmate** on the Court's approved form; (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**.

IT IS FURTHER ORDERED that failure to either pay the \$402 filing fee or file a complete application to proceed *in forma pauperis* on or before **January 22, 2024**, will result in a recommendation to dismiss this action **without prejudice**. A dismissal without prejudice allows

1 Plaintiff to file his case with the Court, under a new case number, when he is able to comply with
2 LSR 2-1 and file a complete application to proceed *in forma pauperis* or pay the required filing fee.

3 IT IS FURTHER ORDERED that the Court will retain Plaintiff's Complaint (ECF No. 1-1),
4 but will not file it at this time.

5 IT IS FURTHER ORDERED that the Clerk of the Court **must** send Plaintiff the approved
6 form application to proceed *in forma pauperis* for inmate along with the information and instructions
7 for filing the same.

8 DATED this 20th day of November, 2023.

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11 ELAYNA J. YOUCHAK
12 UNITED STATES MAGISTRATE JUDGE
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